



PHILIPS

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North American Philips Corporation

Law Department

February 28, 1991

VIA FEDERAL EXPRESS

Cindy J. Nolan, 5HS-11
Project Manager
and
Elizabeth O. Murphy, 5CS-TUB-7
Assistant Regional Counsel
U.S. Environmental Protection Agency
230 South Dearborn
Chicago, IL 60604

Re: Response of The Selmer Company to EPA's
General Notice of Liability Letter --
Main Street Well Field, Elkhart, Indiana

Dear Ms. Nolan and Ms. Murphy:

I am writing in response to the General Notice of Liability letter dated January 17, 1991, from John Kelley, Acting Chief, Remedial and Enforcement Response Branch of your office and addressed to The Selmer Company, at 1119 North Main Street, Elkhart, IN. As the former owner of The Selmer Company ("Selmer"), North American Philips Corporation ("NAPC"), is the appropriate contact regarding any matters pertaining to Selmer's alleged involvement with respect to the Main Street Well Field Site (the "Site").

At the present, Selmer is not willing to perform or finance the activities described in Mr. Kelley's General Notice of Liability letter. Based on a complete review of our files and the answers and documentation previously provided by letters dated January 26, 1990 and December 5, 1988, in response to EPA's Requests For Information, there is no evidence demonstrating that the alleged release or threatened release of hazardous substances, pollutants and contaminants at the Main Street Well Field Site were caused by Selmer. By letter dated December 6, 1982, Selmer also informed the Indiana Environmental Management Board that it has no knowledge of any spills or improper disposal of TCE at its facility at 1119 North Main Street. A copy of this letter was previously provided to EPA as Exhibit 1 to NAPC and Selmer's response to EPA dated January 26, 1990.

100 East 42nd Street
New York, NY 10017-5699

Telephone: (212) 850-5000
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Our records indicate that in 1983, Clyde E. Williams & Associates, Inc. conducted soil borings on behalf of the Excel Corporation, at Selmer's property located at 1119 North Main Street. The Clyde E. Williams report concluded that TCE levels detected in these borings were insignificant. See Exhibit 1, attached hereto.

Furthermore, EPA's soil boring and monitoring well data reveal that the Excel Corporation which is located to the east of Selmer's facility, and Durakool, Inc., which is southeast of Selmer and adjacent to the well field, are the primary sources of contamination at the Site. Indeed, common solvents that have been detected at the North Main Street Well Field Site, including trichloroethane and dichloroethane, have not been detected in the soil borings or monitoring wells on or about Selmer's property.

Finally, the information at Attachment A, paragraph 1 of Mr. Kelley's letter, which EPA is relying on as evidence that Selmer is a PRP with respect to the Site, is inconclusive. Attachment A, paragraph 1 states: "Specifically U.S. EPA has reason to believe that Durakool, Inc. was an owner at the time of disposal of hazardous substances at the Site." NAPC and Selmer have no corporate relationship with Durakool, Inc. and have never transacted any business with Durakool, Inc.

Based on the foregoing facts, NAPC and Selmer have determined that at this time they will not participate in the negotiations to finance or undertake the work at the Site. In the event EPA possesses any evidence regarding Selmer's alleged involvement with the Site, NAPC and Selmer are willing to reevaluate this position upon review of such evidence.

If you have any questions concerning this matter, please do not hesitate to call me at (212) 850-5232. As the contact for Selmer in regard to matters pertaining this Site, kindly forward all subsequent inquiries and correspondence to me.

Very truly yours,

Risa H. Weinstock

Risa H. Weinstock
Counsel

RHW:ms

cc: non-responsive

To Mr John F. Kelly
North American Philips Corporation
1315 Directors Row
Fort Wayne, IN 46808

From Clyde E. Williams & Assoc.
1843 Commerce Dr.
South Bend, IN 46628

Subject The Selmer Company Soil Boring Test Results Date 10/17/83

Message

Dear Mr. Kelly:

As requested, we have enclosed a copy of the test results obtained from the boring, a copy of the findings to date, and a copy of the final report.

The TCE levels detected in the boring conducted on Selmer's property were insignificant.

If you should have any questions, feel free to contact me.

SIGNED

James R. Brush

DATE

Reply

 National Brand 47-213
Made in USA

SIGNED
THIS COPY FOR PERSON ADDRESSED

SELMER/NAPC EXHIBIT 1